

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

UNITED STATES OF AMERICA

VS.

BRIAN STANTON,

Defendant

NO. 3:10-CR-24 (CAR)

VIOLATION: Firearms Related

ORDER OF DETENTION

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a DETENTION HEARING was this day held in the above-captioned case before the undersigned. Defendant BRIAN STANTON was represented by Mr. John Jay McArthur of the Athens Bar; the United States was represented by Assistant U. S. Attorney Tamara A. Jarrett. Based upon the evidence proffered to the court on behalf of the parties, as well as the Pretrial Service Report of the U. S. Probation Office dated August 26, 2010, I conclude that the following facts require the detention of the defendant pending the trial of this case.

PART I - FINDINGS OF FACT

- ☐ (1) There is PROBABLE CAUSE to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act.
- ☐ under 18 U.S.C. §924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

ALTERNATIVE FINDINGS

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

PART II - WRITTEN STATEMENT OF REASONS FOR DETENTION

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the evidence presented at the DETENTION HEARING, as supplemented by information contained in the aforementioned Pretrial Services Report, establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the defendant's future appearance in court and the safety of the community were he to be released from custody. Defendant Stanton has resided in the Middle District of Georgia for some twenty years. The offense charged against him is a serious one for which long-term incarceration can be expected in the event of conviction. The defendant's estimated sentencing guideline range is 100 months to 120 months. The weight of evidence appear to be strong: the firearm which is the subject matter of this prosecution was found in an automobile on the premises resided in by defendant Stanton; he admitted ownership to law enforcement personnel.

The defendant has an extensive record of arrests and convictions going back to 2001 which includes the following: VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT, 2003, Superior Court of Greene County, Georgia; and, TRAFFICKING IN COCAINE, MARIJUANA, AND METHAMPHETAMINE, 2006, Superior Court of Barrow County, Georgia. In addition, defendant Stanton has some five charges for failing to appear in court, five allegations of violating probation/parole, and one conviction in 2004 in Athens-Clarke County for the offense of ESCAPE. Defendant Stanton is currently on release on bond from Athens-Clarke County on state felony drug charges arising out of the same incident as the firearms charge pending herein. The defendant's continuing involvement in drug trafficking supports a finding that he poses a danger to the community.

For the foregoing reasons, the undersigned finds that pretrial detention is mandated. IT IS SO ORDERED.

PART III - DIRECTIONS REGARDING DETENTION
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The defendant is hereby committed to the custody of the Attorney General of the United States or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED, this 1st day of SEPTEMBER, 2010.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE